

EXHIBIT D

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF NEW YORK
4 Case No. 08-CV-5088 (KAM) (VVP)
5

6 -----X
RUDDY QUEZADA,

7
8 Petitioner,

9 v.

10
11 WILLIAM BROWN, Superintendent,
12 Eastern NY Correctional Facility,
13

14 Respondent.
15 -----X

16 DEPOSITION OF CHRISTOPHER SALSARULO
17 New York, New York
18 Thursday, January 19, 2012
19
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21 Reported by:

Amy A. Rivera, CSR, RPR, CLR

22 JOB NO. 45619
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January 19, 2012

1:13 p.m.

Deposition of CHRISTOPHER
SALSARULO held at the office of HUGHES,
HUBBARD, & REED, LLP, One Battery Park
Plaza, New York, New York, pursuant to
Notice, before Amy A. Rivera, Certified
Shorthand Reporter, Registered Professional
Reporter, Certified LiveNote Reporter, and a
Notary Public of the State of New York.

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2 A P P E A R A N C E S:

3 HUGHES HUBBARD & REED

4 Attorneys for Petitioner

5 One Battery Park Plaza

6 New York, New York 10004

7 BY: DAVID B. SHANIES, ESQ.

8 GABRIELLE Y. VAZQUEZ, ESQ.

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11 KINGS COUNTY DISTRICT ATTORNEY'S OFFICE

12 Attorneys for Respondent

13 Renaissance Plaza at

14 350 Jay Street

15 Brooklyn, New York 11201

16 BY: PHYLLIS MINTZ, ESQ.

17 MARIE-CLAUDE WRENN, ESQ.

18 Assistant Executive District Attorneys

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1 CHRISTOPHER SALSARULO

2 C H R I S T O P H E R S A L S A R U L O, having
3 been duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. SHANIES:

6 Q. Good afternoon, sir.

7 A. Good afternoon.

8 Q. Just before we get into questions, I
9 just want to go over a couple preliminary things,
10 pretty standard requests for a deposition, just
11 that we try to not to talk over each other so that
12 the court reporter can take down both of our
13 statements. And if you can, try to remember to
14 give verbal answers so that, again, for the court
15 reporter.

16 Other than that, if you don't
17 understand a question, please let me know and I'll
18 be happy to clarify. And if you don't know the
19 answer, that's fine, too, just let me know.

20 Is that fair enough?

21 A. That is fair.

22 Q. Okay. So, can you tell me, please,
23 where you're currently employed?

24 A. Yes. I'm a Special Agent with the
25 Drug Enforcement Administration in New Jersey.

1 CHRISTOPHER SALSARULO

2 Q. And when did you begin that
3 employment?

4 A. I believe it was around -- it was the
5 fall of 1995, around September, I believe.

6 Q. And prior to that, where were you
7 employed?

8 A. By the Kings County District
9 Attorney's office.

10 Q. And when did you begin at the DA's
11 office?

12 A. I'm not sure of the date. I'm
13 thinking it was around 1992, or so. Yeah, I think
14 1992.

15 Q. Was that your first employment or were
16 you employed elsewhere before that?

17 A. Well, I had jobs since I was 16, but
18 before that, out of college, I worked for --
19 actually, across the street, at Bear Stearns &
20 Company, 2 Broadway.

21 Q. Maybe let's go in order. So,
22 immediately before the DA's office in '92, Bear
23 Stearns was your job directly before that?

24 A. No. I left Bear Stearns and went to
25 work for the family business. My family has a

1 CHRISTOPHER SALSARULO

2 Did you have a system for how you
3 recorded those different kinds of tasks?

4 A. No. No -- no system.

5 Q. So, is it possible that Doreen was
6 being brought to court on a material witness order
7 as well?

8 MS. MINTZ: Objection. Speculative.

9 A. Where there was -- if there was a
10 initial material witness order issued for Doreen,
11 I don't know. It seems that we were taking her
12 back to court where I assumed she was prior to
13 this.

14 Q. Okay. But you're not sure what that
15 entry means --

16 A. Correct.

17 Q. -- in terms of whether there was a
18 material witness order?

19 A. Correct.

20 Q. I think we're done with the memo book
21 for right now, and I'd like to just talk about
22 material witness orders more generally, not this
23 one specifically.

24 Just starting with what your
25 understanding of what a material witness order is.

1 CHRISTOPHER SALSARULO

2 A. My understanding is that when an
3 assistant district attorney needs to expand on his
4 or her case and there's a person out there that
5 was witness to some type of crime that was
6 committed.

7 So, we, as detective investigators,
8 are asked to go find this particular witness and
9 bring them back to either the -- the district
10 attorney's office. I mean, that's it in a
11 nutshell.

12 And then the ADA would routinely speak
13 with this witness and determine what type of
14 testimony he or she can give pursuant to this
15 case, if it would affect it or not. I'm assuming
16 that the ADA believes that this particular witness
17 has a good amount of knowledge of this case,
18 that's why we got the material witness order in
19 the first place.

20 Q. Can you explain that a little bit, why
21 you make that assumption?

22 A. No. I mean, that's just because here
23 we have a document that says, this person we
24 believe knows a lot about this investigation and
25 we need to speak with him or her about it.

1 CHRISTOPHER SALSARULO

2 Q. So, material witness orders usually
3 something that you obtained in a more serious
4 case?

5 A. I don't remember.

6 Q. Well, when you say that you assumed
7 that the person had a lot of knowledge about the
8 case, what about a material witness order makes
9 you think that?

10 A. I don't know. I don't know. I mean,
11 I would be speculating. It just seems that was
12 the procedure of the office at that time, that
13 when they said we have a material witness order
14 for someone, the ADA needed to speak to that
15 person, and it was just our job to go do our best
16 to go locate that person and bring him to the DA's
17 office.

18 Q. What's the difference between a
19 material witness order and a subpoena?

20 A. My understanding is that you can serve
21 someone a subpoena to come to court and that
22 person could go to court when the date on the
23 subpoena said. Material witness order, they want
24 this person in court immediately.

25 So, as a subpoena, sometimes we would

1 CHRISTOPHER SALSARULO

2 just serve the person, they would make contact
3 with the ADA and come in. With a material witness
4 order, if we located that person, we would have to
5 bring that person to the DA's office.

6 Q. Immediately?

7 A. Yes.

8 Q. And you were talking about what your
9 understanding of a subpoena versus a material
10 witness order is.

11 Did you have the same or different
12 understanding in March of 1993?

13 A. Could you repeat that, please?

14 Q. I'm just wondering, is this your
15 understanding of what a material witness order was
16 back in March 1993 also?

17 A. Yes, sir.

18 Q. Did you get any other kind of formal
19 training about material witness orders?

20 A. I don't believe there was any formal
21 training regarding material witness order.

22 Q. What about the subpoenas?

23 A. I don't believe there was any formal
24 training for that either.

25 Q. Was it on-the-job formal training?

1 CHRISTOPHER SALSARULO

2 A. I believe so. I believe there was
3 something where -- yes, on-the-job training that
4 you would talk to your supervisor about and get
5 some guidance on what to do.

6 Q. So, you observed other DIs serving
7 subpoenas, serving material witness orders, and
8 that's how you learned how to do it?

9 A. Yes, sir.

10 Q. Could you estimate how many subpoenas
11 you served while you were at the DA's office?

12 A. I don't remember how many I served.

13 Q. More than a hundred?

14 A. I would say yes.

15 Q. You were in the DA's office for about
16 three years, something like that. Is that right?

17 A. That is correct.

18 Q. They were relatively common?

19 A. Correct.

20 Q. And what about material witness
21 orders?

22 A. Definitely not as common, but I don't
23 recall how many material witness orders I
24 executed.

25 Q. Was it more or less than a hundred, if

1 CHRISTOPHER SALSARULO

2 to execute a material witness order?

3 A. I don't know any guidelines.

4 Could you be more specific?

5 Q. Did your office give you any
6 instructions on how you were supposed to handle a
7 material witness order?

8 A. None other than to do your best to
9 find the material witness and bring her back to
10 the DA's office.

11 Q. And did you have an understanding
12 of -- of -- strike that.

13 Before you went out with the material
14 witness order, were you told anything about who
15 this witness was in relation to the case?

16 A. I believe so. I believe sometimes
17 they may have spoken to us about the particular
18 witness.

19 Q. Would you approach a witness
20 differently depending on what their relationship
21 was to the case?

22 A. No. I think, you know, we always
23 approach where safety first, just let them know
24 what's expected, and then bring them back to the
25 DA's office.

1 CHRISTOPHER SALSARULO

2 Q. Did anybody ever refuse to go?

3 A. I believe that has happened to me.

4 Q. And what did you do?

5 A. We would have to physically put them
6 in handcuffs and transport them back to the DA's
7 office.

8 Q. Do you recall how many times that
9 happened?

10 A. I do not.

11 Q. Was that common?

12 A. No.

13 Q. Was it very uncommon?

14 A. That, I don't remember.

15 Q. Do you recall what happened when you
16 brought that person to the DA's office?

17 A. I'm trying to remember as best I can.
18 I don't recall a specific instance,
19 but I think if he was -- the person was
20 handcuffed, when he got back to the DA's office he
21 would remain handcuffed while the ADA spoke with
22 him and her.

23 Q. Did you say you don't recall any
24 specific instance of doing this?

25 A. I'm trying to remember. I'm trying to

1 CHRISTOPHER SALSARULO

2 remember a specific instance.

3 Q. But you're sure that it did happen,
4 that you handcuffed a witness?

5 A. I'm sure I handcuffed a witness.

6 Q. A witness who is the subject of a
7 material witness order?

8 A. Yes.

9 Q. And when a witness was unwilling to
10 come with you in a material witness order
11 situation, did you immediately handcuff that
12 person or did you try anything else first?

13 A. Can you repeat that, please.

14 Q. When a witness refused to come with
15 you or was unwilling to come with you, would you
16 just arrest the person or would you try anything
17 else firstly?

18 A. If the person refused and -- what we
19 try to do, as best speak with them about, you
20 know, the judge ordered them to come into the DA's
21 office. If that didn't work, then yes, we would
22 immediately have to put handcuffs on them and
23 bring them in.

24 Q. Would you try to reason with the
25 person before you handcuffed them?

1 CHRISTOPHER SALSARULO

2 A. I mean, I think in every material
3 witness order you reason why the person, say,
4 listen, the judge ordered you to come to court, so
5 there's always part of reasoning.

6 You would hope that most people would
7 be compliant and willingly come and be brought in.
8 There are circumstances where the person will say,
9 you know, I am not coming. No way. And then
10 you -- to be safe, we would immediately handcuff
11 them and take them away.

12 You know, there's been instances
13 where, you know, once they're handcuffed, they're
14 in their underwear and you speak to them a little
15 bit more, are you going to fight us? You like
16 pants? You know, if that's the case, if they're
17 compliant, we dress them and give them water,
18 whatever they need so they would be comfortable.

19 That's pretty much it.

20 Q. So you would try to give them a chance
21 to cooperate?

22 A. Well, for them to come and speak to
23 the assistant district attorney, yes.

24 Q. Okay. And did you understand that
25 many of these people were people who the DA also

1 CHRISTOPHER SALSARULO

2 wanted to testify in their cases?

3 A. I believe so.

4 Q. And did that influence the way that
5 you talked to the -- talked to the witnesses at
6 all?

7 A. No.

8 Q. Was it your understanding that these
9 people didn't have a choice about whether they
10 were coming. Is that right?

11 A. Yes.

12 Q. They had to come whether they wanted
13 to or not?

14 A. Yes.

15 Q. And if they refused, they were going
16 to be arrested?

17 A. We would place them in handcuffs and
18 brought back to the district attorney's office.

19 Q. Did you tell them that they had no
20 choice, that they had to come?

21 A. Probably.

22 Q. Did you also try to convince them that
23 it was in their best interests to come?

24 A. I don't remember. It was basically
25 just pretty much cut and dry where, listen, you

1 CHRISTOPHER SALSARULO

2 need to come with us and, you know, you would just
3 hope that they would be compliant and come.

4 Q. Right. I understand that completely.
5 But I'm trying to understand, when a person didn't
6 want to come, which did happen from time to
7 time -- right?

8 A. I believe so, yes.

9 Q. -- how you would react to that
10 situation.

11 So, one of the possibilities is to
12 just handcuff the person and bring them to the
13 DA's office?

14 A. Yes.

15 Q. And sometimes you said that would
16 convince them to cooperate?

17 A. Well, I don't know what happened with
18 their cooperation or not. That wasn't my job.

19 Q. I'm sorry, when I say, "cooperate," I
20 mean agree to come with you to the DA's office.

21 A. Could you repeat that?

22 Q. Sure.

23 Let me just refer to what I'm talking
24 about.

25 You gave this example of a person who

1 CHRISTOPHER SALSARULO

2 you handcuffed in their underwear.

3 A. Yes.

4 Q. And you said that that person then
5 calmed down and said, okay, I'll go with you. Is
6 that right?

7 A. Yes.

8 Q. So then you took the handcuffs off?

9 A. No. We would probably -- once we put
10 the handcuffs on, I believe with would keep them
11 on.

12 Q. Do you remember if a person who's
13 handcuffed subject to a material witness order
14 would be booked?

15 A. That, I don't remember if that was the
16 case or not. I believe that would be up to the
17 assistant district attorney.

18 Our job was to get the material
19 witness and bring them back.

20 MS. MINTZ: Excuse me. Is it possible
21 to take a little break?

22 MR. SHANIES: Sure.

23 MS. MINTZ: Is there much more?

24 MR. SHANIES: We're getting pretty
25 close, I think.

1 CHRISTOPHER SALSARULO

2 MS. VAZQUEZ: We can take a break.

3 MS. MINTZ: Just take a stretch.

4 MR. SHANIES: Do you want to take 5,
5 10 minutes.

6 MS. MINTZ: Yes.

7 MR. SHANIES: All right.

8 (Recess.)

9 BY MR. SHANIES:

10 Q. Do you know someone named Tom Buda,
11 B-U-D-A?

12 A. I don't believe I do.

13 Q. Have you heard his name since you've
14 been contacted about this case?

15 A. This morning ADA Mintz mentioned that
16 name and I said I didn't remember that name.

17 Q. You don't recall whether -- or do you
18 recall -- let me start over and strike that.

19 Do you recall whether Tom Buda was
20 present on March 11th or March 12th, 1993?

21 A. I do not recall.

22 Q. Do you recall anything about that
23 detective?

24 A. No.

25 Q. When you executed material witness

1 CHRISTOPHER SALSARULO

2 orders, did you always keep the person in a hotel
3 or only some of the time?

4 A. I don't remember if all material
5 witnesses were placed in a hotel or not.

6 Q. That did happen sometimes though,
7 right?

8 A. Yes.

9 Q. And one of your jobs was to stay with
10 the person while they were in the hotel?

11 A. Yes.

12 Q. Do you recall whether you went to a
13 hotel on March 11th or 12th, 1993?

14 A. I do not.

15 Q. What would you typically do while you
16 were at a hotel with someone subject to a material
17 witness order?

18 A. We would check into the hotel, get two
19 adjoining rooms, where you could pass through from
20 one room to the other. The material witness would
21 then have free range of the room.

22 We would usually lock his door -- his
23 or her door to the outside so that person would
24 have a difficult time getting out. If he or she
25 tried to get out, it would have to physically be

1 CHRISTOPHER SALSARULO

2 through, you know, us to get out through our door.

3 Most of the time I remember everybody
4 watched TV, ordered some food, and then the
5 detective investigators would work a shift until
6 either that person, the material witness, would be
7 brought back to the DA's office or a couple other
8 DIs would come to relieve us.

9 Q. And how did you lock the hotel door?

10 A. We usually take a set of handcuffs and
11 secure it somehow so it would be very difficult
12 for the material witness to get out through that
13 door.

14 Q. Did you ever have a material witness
15 try to get out.

16 A. I don't believe so. I don't remember
17 that happening to me.

18 Q. Do you recall if Sixto tried to get
19 out?

20 A. I do not remember.

21 Q. Were both of the assigned detectives
22 required to be with the person in custody at all
23 times?

24 A. Okay, to be more specific, during like
25 a custody in a hotel, yes, two people had to be

1 CHRISTOPHER SALSARULO

2 present at all times.

3 Q. So, in adjoining rooms, was the
4 connecting door always open?

5 A. Yes.

6 Q. And would the person in custody go to
7 sleep if they were there overnight?

8 A. Probably. I would say most of the
9 time.

10 Q. Did you sleep also?

11 A. Sometimes we would take naps, yes.

12 Q. You would take turns?

13 A. Yes.

14 Q. And were they allowed to have visitors
15 while they were in custody?

16 A. I don't believe so.

17 Q. Were they allowed to make phone calls?

18 A. I think that was dependent on
19 instructions by the ADA.

20 Q. Do you remember whether Sixto made any
21 phone calls?

22 A. I do not.

23 Q. Do you recall -- do you recall a
24 logbook that you maintained regarding the
25 movements of the person in custody?

1 CHRISTOPHER SALSARULO

2 Q. Do you know if you ever filled one of
3 those out?

4 A. Possibly.

5 Q. But you're not sure?

6 A. I'm not sure.

7 Q. Do you know if you ever saw one of
8 these before?

9 A. It doesn't look familiar, but it's
10 possible that I could have filled something like
11 this out.

12 Q. So the only one that definitely looks
13 familiar is Exhibit 6?

14 A. Yes, sir.

15 Q. Have you ever witnessed a material
16 witness proceeding in court?

17 A. I don't remember if I have.

18 Q. Did you ever speak to the subject of a
19 material witness order about a material witness
20 proceeding in court?

21 A. I don't believe I would have.

22 Q. Are you aware -- strike that.

23 In 1993, when it was -- it was your
24 job to execute material witness orders, were you
25 aware of the rights that a witness had in

1 CHRISTOPHER SALSARULO

2 connection with a material witness proceeding?

3 A. No.

4 Q. Did you receive any training on that?

5 A. No.

6 Q. Were you instructed to tell a
7 potential material witness that they had any
8 rights in connection with that proceeding?

9 A. No, I don't remember being instructed
10 about anything like that.

11 Q. Do you know whether a person in a
12 material witness proceeding has a right to an
13 attorney?

14 A. I don't know if he does or doesn't.

15 Q. Have you ever seen a material witness
16 order that did not include an order to arrest the
17 person?

18 A. Honestly, I don't recall. I don't
19 recall what was involved in the material witness
20 order.

21 Q. Were you -- sorry, strike that.

22 Did you ever read a person Miranda
23 rights in -- a person who was subject to a
24 material witness order?

25 A. I don't recall if I did.